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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 28 March 2014 from the Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Greece to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to provide herewith the comments of the Government of Greece in relation to the written statement submitted by the "Federal Union of European Nationalities", a non-governmental organization in special consultative status (A/HRC/25/NGO/20), submitted to the Human Rights Council at its twenty-fifth session, under agenda item 3.*

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and the text annexed thereto as a document of the twenty-fifth session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

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Annex

[English only]

Referring to the written statement submitted by the NGO "Federal Union of European Nationalities", under agenda item 3, of the 25th Session of the Human Rights Council, Greece would like to raise, for information of any interested third party, the following points:

1. The incorrect reference to the muslim minority in Thrace

All Greek citizens, including members of the muslim minority in Thrace, have the absolute right for individual self-identification. However, the muslim minority in Thrace is defined by its religious identity. It is not an ethnic or national minority. It consists of three distinct groups whose members are Greek citizens of Turkish, Pomak, and Roma origin and cultural background.

The Muslim faith is the common denominator of the three distinct groups of the minority. Each of these components has its own spoken language, cultural traditions and heritage. Greece is fully committed to safeguarding their distinct character. Efforts to subordinate the Pomaks and Roma under the Turkish component undermine their particular identity. Such a claim contravenes the 1923 Treaty of Lausanne where explicitly the Minority is defined as a muslim one.

2. The use of the word "Turkish" by the associations of the minority

Freedom of association is unequivocally, firmly and broadly protected by the Greek Constitution. A large number of muslim minority associations and NGO's are officially registered and freely operate in Thrace. Three associations that are not officially registered, because their statute was found by the courts incompatible with the Greek legislation, have brought their cases before the European Court of Human Rights. The judgments rendered were in favour of the associations.

Currently the Greek authorities are considering the appropriate ways and means to implement the ECHR decisions, including possible legislative adjustments. It should be noted that even the above mentioned three association who are still not recognised, do engage freely in numerous activities without any impediment.

3. The muslim charitable foundations

Although the request for the elections of the members of the three main management committees of the awkaf was met, the implementation of the law is pending. Additional ways are being explored to address the concerns raised by some minority members with regard to specific provisions of the law. Moreover, the Greek State has introduced specific measures to address issues of financial nature of the muslim foundations. They were exempted from land and income taxes with regard to their properties used for charitable purposes. Their accumulated debts, fines and mortgages were written off (in 2007).

4. Education

The Greek government maintains policies implemented to uphold the right to education for muslim minority students. The State continues to provide strong support to minority schools, while, at the same time, the increasing preference of Muslim minority students for the public educational system has been appropriately accommodated.

According to the legislation in force, pre-school education of one year is mandatory. This is a prerequisite for all children in order to enter primary schools. The authorities have tried to accommodate parents whose children did not manage to attend pre-school for a justifiable reason.

5. The issue of Muftis and the so called "elected Muftis"

It is well established that there is no unique method internationally for the elections of the Muftis. Each sovereign country, be it muslim or non-muslim, has the right to establish its own process, provided that is in accordance with islamic traditions and religious rights and freedoms. Such a framework is in place in Thrace; the religious leaders of the muslim minorities are being selected, through fully transparent and inclusive procedures, by a pool of esteemed teachers of islam that are members of the minority. The minority as a whole is involved in this procedure.

The Greek State is involved at the very last stage of this process and only after the selection has been made. The reason of the State's involvement is linked to the judicial responsibilities that the Muftis exercise, in addition to their religious duties, by virtue of the right to apply the Sharia Law. In an effort to improve this framework, we are examining possible ways of introducing new elements that would allow an even more representative and transparent process for the selection of the Muftis.

The "elected Muftis " are not officially recognized. Despite signs of evident disrespect to the existing legislation and an often provocative attitude, the state does not obstruct their religious and other activities.

Greek citizens that are members of the Muslim minority are given the option of invoking the Sharia Law, in family inheritance matters. This is a unique case in Europe and we are often criticised by international human rights bodies, such as the Commission on the Status of Women.

6. Muslim preacher (Koran teachers)

The amendment of the law on muslim preachers addresses basic religious needs of our muslim co-citizens as indicated by the minority itself. It is a forward looking initiative because, for the first time, muslim minority students, who attend public schools in increasing numbers, will have the opportunity, if they so wish, to study the holy Koran in public schools.

The entire philosophy of the law is based on the right of the muslim preachers to freely choose whether they want to join the scheme and to benefit from the improved status given to them.

The same applies to the minority students and the teaching of the holy Koran in public schools. The children (or their parents) can freely decide whether they wish or not to attend the classes.

Moreover, it should be noted that the Muslim preachers who will teach the holy Koran are selected, through a fully transparent and inclusive procedure, by a qualified five member Committee, composed exclusively of eminent muslim personalities.

The ongoing campaign to present a different picture on the pretext of alleged state involvement in the religious freedom of the minority, smacks of political expediency and is misleading. Greece remains committed to safeguard the respect and protection of freedom of religion or belief, which constitutes a fundamental right for every human being, regardless of his/her origin , cultural background or conviction.